Rejections Under 35 U.S.C. §103

The Examiner has rejected claims 1-41 as being unpatentable under U.S. Patent No. 5,724,356 issued to Nair, et al. ("Nair") in view of U.S. Patent No 5,390,232 issued to Freeman, et al. ("Freeman"). Applicants respectfully traverse this rejection.

As the Examiner has included arguments verbatim from the April 2, 2002 Office Action in the present Final Office Action, Applicants hereby incorporate and reiterate the entirety of their response to the April 2, 2002 Office Action.

In the present Final Office Action, the Examiner includes new arguments in a section under the heading "Response to Arguments." Applicants hereby address the Examiner's response.

The Examiner's response is limited to a discussion of claim 32. The Examiner has numbered some of the limitations recited in claim 32. Applicants hereby reproduce claim 32 showing the numbering used by the examiner. Claim 32 recites a network device comprising:

[1] a first port that connects to a first interface,

[2] a second port that connects to a second interface, and

[3] a trunking pseudo driver coupled to the first port and the second port such that

[4] the trunking pseudo driver allows the first interface and second interface to emulate a single high-speed device by assigning to said first and second interfaces an associated identifier that identifies a connection between a first device and a second device.

The Examiner asserts that Nair teaches limitations [1], [2] and [3]; and asserts that limitation [4] is taught by Freeman. Applicants respectfully disagree. The combination of Nair and Freeman fail to teach or suggest any of the limitations recited in claim 32.

More specifically, the Examiner asserts that limitation [1] is taught by an external modem connected to a telephone line; and that limitation [2] is taught by an internal modem connected to the telephone line, citing Figs. 1-3 and 17 of Nair. However, these figures in no way teach or suggest a first port that connects to a first interface, and a second port that connects to a second interface as recited by Applicants. These figures do teach a LAN Modem comprised of an internal modem and an external modem coupled to a telephone line. An external modem and an internal modem each coupled to a telephone line do not teach or suggest a first port that connects to a first interface, and a second port that connects to a second interface as recited by Applicants. Importantly, when discussing Fig. 2, Nair teaches that "[i]nternal modem 300 and external modem 500 provide **two paths** though which network PCs can gain access to external devices or through which remote PCs can gain access two network resources." (Nair, col. 5. lines 46-52) (Emphasis Added) As such, Nair teaches away from what is claimed by Applicants. That is, allowing a first interface and a second interface to emulate a single high speed line by assigning an identifier that identifies the connection between a first device and a second device cannot be taught by providing two paths to external devices and network resources as stated in Nair. That Nair teaches two paths **teaches away** from emulating a single high speed line as claimed by Applicants. Therefore, Figs. 1 and 2 and associated text do not teach or suggest the first port that connects to the first interface and the second port that connects to the second interface as recited by Applicants. As to Fig. 17 of Nair, this figure merely shows an implementation of the external/internal modem combination of the LAN Modem shown in Figs. 1 and 2.

The Examiner asserts that limitation [3] is taught by bridge software or a control module of Nair, citing numerous portions of Nair. With regard to the Examiner's citation of Fig. 25, this figure merely shows that a LAN Modem Node includes bridge system software and routing software. With regard to the Examiner's citation of col. 2, lines 1-24 of Nair, this portion of Nair teaches various uses of a LAN Modem Node such as communicating with

remote computer, off-LAN devices, and use as a Dual LAN Modem Node to form a bridge between two networks. With regard to the Examiner's citation of col. 4, lines 36-58 of Nair, this portion of Nair teaches that the LAN Modem may include software that allows for PCs to communicate with network resources. With regard to the Examiner's citation of col. 9, lines 15-36 of Nair, this portion of Nair teaches multiple PCs sharing a LAN Modem Node as a gateway to a LAN and discusses some of the software that runs on the LAN Modem Node. With regard to the Examiner's citation of col. 18, lines 1-17 of Nair, this portion of Nair teaches using software settable status flags to show whether LAN Modem communications are being made via the internal modem or the external modem. That is, the status flags are used to show whether the external and internal modems are busy or in use. With regard to the Examiner's citation of col. 19, lines 43-50 of Nair, this portion of Nair discusses Fig. 17 and teaches two LAN Modem Nodes that communicate over two channels. See the discussion of Fig. 17 above. With regard to the Examiner's citation of col. 21, lines 5-42 of Nair, this portion of Nair discusses the configuration of LAN Modem Node channels and re-establishing interrupted communications using the configurations. With regard to the Examiner's citation of col. 22, lines 33-47 of Nair, this portion of Nair teaches that a Learn Table is used as a filter for bridge traffic. It is unclear to Applicants how the above-referenced portions of Nair are pertinent to the limitations recited in claim 32 and limitation [3]. Applicants assert that the above-referenced portions of Nair fail to teach or suggest a trunking pseudo driver coupled to the first port and the second port such that the trunking pseudo driver allows the first interface and second interface to emulate a single high-speed device by assigning to said first and second interfaces an associated identifier that identifies a connection between a first device and a second device.

In addition, with regard to limitation [3], the Examiner asserts that assigning a channel number or logical number as set forth in Nair teaches the assigning an identifier that identifies the connection between a first and a second device. In support of this assertion, the Examiner

cites col. 14, lines 28-44 of Nair. However, review of this portion of Nair reveals that the channel number is used to specify whether a packet should be directed to the external modem or the internal modem - nothing more, and nothing less (see discussion above re Nair, Fig 2) (Nair, col. 14, lines 32-35). As such, the channel number of Nair fails to teach or suggest assigning an identifier that identifies the connection between a first device and a second device achieved by emulating a single high speed device as recited in claim 32.

With regard to limitation [4], the Examiner asserts that Freeman teaches "a switching fabric emulator with a pseudo code *connects* [sic] to network via trunk group" which is equivalent to emulating a single high speed device. (Emphasis added) Applicants request clarification of this assertion as the statement as it is incomprehensible, particularly with regard to the emphasized word. In any event, Applicants will respond to the best of their abilities.

Applicants reiterate, as set forth in Applicants' response to the April 2, 2002 Office Action, that Applicants are not sure why the Examiner has directed Applicants to the portion of Freeman which the Examiner asserts recites a "pseudo code program." (Freeman, col. 6, lines 42-50) This portion of Freeman describes some of the functioning of a dynamic testing procedure which tests the functionality of a subscriber designed call processing program. At col. 6, lines 45-50 Freeman states that pseudo code programming instructions showing an example subscriber designed call processing program is provided in Table 1 of Freeman. It is unclear to Applicants why the Examiner is citing this portion of Freeman. Applicants maintain their assertion that this portion of Freeman fails to teach or suggest a trunking pseudo driver that allows the first interface and the second interface to emulate a single high-speed device by assigning to said first and second interfaces an associated identifier that identifies a connection between a first device and a second device. Applicants hereby seek clarification regarding why the Examiner has cited this portion of Freeman. Applicants assert

that this portion of Freeman makes no teachings which are pertinent to the limitations recited in claim 32.

As to the other portion of Freeman which the Examiner cites, (Freeman, col. 4, line 62-col. 5, line 9) it is again unclear to Applicants how this portion of Freeman includes any teaching of the limitations recited in claim 32. This portion of Freeman merely states that a switching fabric emulator connected with a remote call-through test unit via a trunk group includes network emulation software which simulates signaling and switching systems such as a switches. (Freeman, col. 4, lines 62-68) However, Freeman fails to teach or suggest a trunking pseudo driver that allows a first interface and a second interface to emulate a single high-speed device by assigning to said first and second interfaces an associated identifier that identifies a connection between a first device and a second device as recited in claim 32. Applicants, therefore, assert that this portion of Freeman makes no teachings which are pertinent to the limitations recited in claim 32.

Therefore, as set forth in the above two paragraphs, Freeman fails to cure the deficiencies of Nair.

For all of the reasons set forth above, the combination of Nair and Freeman fails to teach or suggest all of the limitations recited in claim 32. As such, claim 32 and all claims depending thereon are patentable over the cited art.

With regard to claims 1, 14, 19, 24, 32, 38, 39, 40 and 41, the Examiner asserts that claims 14, 19, 24, 32, 38, 39, 40 and 41 are rejected for the same rationale as set forth regarding claim 32. While Applicants do not agree that all of these claims contain the limitations set forth in claim 32, to the extent the Examiner applies arguments to reject these claims from the Examiner's rejection of claim 32, the above remarks regarding claim 32 apply to claims 1, 14, 19, 24, 38, 39, 40 and 41. For the reasons set forth above regarding claim 32, claims 1, 14, 19, 24, 38, 39, 40 and 41, and all claims depending thereon, are patentable over the cited references. As such, the obviousness

rejections to claims 1, 14, 19, 24, 38, 39, 40 and 41, and all claims depending thereon have been overcome, and the rejections should be withdrawn.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800, ext. 769.

Respectfully submitted,

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Dated: October 14, 2002   By: _____
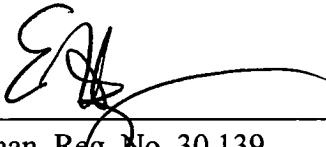
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